

**REMARKS**

Claims 1-20 are pending in this application. By this Amendment, the title and claim 19 are amended. No new matter is added.

**I. Specification**

It is alleged that the title of the specification is not descriptive. A new title is provided in response to the allegation.

**II. Claim Rejections Under 35 U.S.C. §112**

Claim 19 is rejected under 35 U.S.C. §112, second paragraph. As claim 19 is amended to reinsert the claim language that was inadvertently removed in a previous Amendment, withdrawal of the rejection is respectfully requested.

**III. Claim Rejections under 35 U.S.C. §102**

Claim 20 is rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,502,485 to Suzuki. The rejection is respectfully traversed.

Suzuki fails to disclose each and every feature recited in the rejected claim. For example, Suzuki fails to disclose an electronic still camera comprising...a recording signal output circuit that repeatedly stores electrical charges at said image-capturing element and reads out image data from said image-capturing element to store said image data at said buffer memory unit when said continuous shooting mode has been set by said single shot/continuous shooting setting unit and compresses and outputs image data corresponding to a frame read out from said buffer memory unit immediately before, while electrical charges are being stored for the next frame, as recited in claim 20.

It is alleged in the Office Action that Suzuki discloses such a recording signal output circuit at column 8, lines 8-15 which recites that "according to the present invention, the time from the commencement of photographic operations until the storage of the image data and memory card 110 can be made shorter than in conventional cameras and high-speed

continuous photography becomes possible. Moreover, electric power is conserved since there is no need for operation of an A/D converter, buffer memory, or compression circuit for purposes of compression coefficient selection." Thus, the referenced section of Suzuki does not disclose any corresponding structure to the recording signal output circuit recited in claim 20. Furthermore, as shown in Fig. 4 of Suzuki, image data is compressed and recorded at steps 411 and 412 after the photographic operation of step 410. Thus, there is no disclosure in Suzuki of image data read out from the buffer memory unit compressed while electrical charges for the next frame are being stored in the continuous shooting mode. Accordingly, withdrawal of the rejection of claim 20 is respectfully requested.

#### **IV. Claim Rejections under 35 U.S.C. §103**

Claims 1, 2, 12 and 13 are rejected under 35 U.S.C. §103 as unpatentable over Suzuki in view of U.S. Patent No. 6,518,999 to Miyamoto. The rejection is respectfully traversed.

Neither Suzuki or Miyamoto, whether considered alone or in combination, disclose or suggest each and every feature recited in the rejected claims. For example, the combination of references fails to disclose or suggest an electronic still camera, comprising . . . a buffer memory unit that stores said image data read out by said image-capturing element; a continuous shooting setting unit that sets either a first continuous shooting mode or a second continuous shooting mode in which photographs are taken over shorter intervals than in said first continuous shooting mode; and a recording signal output circuit that repeatedly stores electrical charges at said image-capturing element and reads out image data from said image-capturing element to store said image data at said buffer memory unit when either continuous shooting mode has been set by said continuous shooting setting unit and compresses and outputs image data corresponding to a frame which has been read out from said buffer memory unit immediately before, while electrical charges for the next frame are being stored

during, at least, a period of time in which said second continuous shooting mode has been set, as recited in claim 1.

As discussed above, Suzuki fails to disclose a recording signal output circuit that compresses and outputs image data corresponding to a frame which has been read out from said buffer memory immediately before, while electrical charges for the next frame are being stored in a continuous shooting mode. Thus, Suzuki fails to disclose the features alleged in the rejection of claims 1, 2, 12 and 13. Rather, as pointed out in the response to the rejection of claim 20, Suzuki compresses and records image data after photographic operation has occurred. Thus, there is no disclosure in Suzuki that image data read out from a buffer memory is compressed while electrical charges for the next frame are being stored in the continuous shooting mode.

Although Miyamoto discloses two continuous shooting modes, including a high-speed continuous shooting mode and an extremely high-speed continuous shooting mode, Miyamoto does not overcome the deficiencies of Suzuki. Specifically, Miyamoto fails to disclose that image data is compressed or that the image data is compressed while electrical charges for the next frame are being stored in the second continuous shooting mode.

Accordingly, as the combination of references fails to disclose each and every feature recited in independent claim 1, claims 1, 2, 12 and 13 are not rendered obvious over the combination of Suzuki and Miyamoto. Thus, withdrawal of the rejection of claims 1, 2, 12 and 13 under 35 U.S.C. §103(a) is respectfully requested.

Claims 3, 4, 8-11 and 14-16 are rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki in view of Miyamoto and further in view of U.S. Patent No. 5,517,243 to Kudo et al. (Kudo). The rejection is respectfully traversed.

Claims 3, 4, 8-11 and 14-16 are allowable for their dependency on independent claim 1, for the reasons discussed above, as well as for the additional features recited therein.

Furthermore, as Kudo fails to overcome the deficiencies of Suzuki and Miyamoto, the combination of references fails to disclose each and every feature recited in the rejected claims. Accordingly, withdrawal of the rejection of claims 3, 4, 8-11 and 14-16 under 35 U.S.C. §103(a) is respectfully requested.

Claims 5-7 are rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki in view of Miyamoto and further in view of U.S. Patent No. 5,959,669 to Mizoguchi et al. (Mizoguchi). The rejection is respectfully traversed.

Claims 5-7 are allowable for their dependency on independent claim 1, as well as for the additional features recited therein. Furthermore, as Mizoguchi fails to overcome the deficiencies of Suzuki and Miyamoto, withdrawal of the rejection of claims 5-7 under 35 U.S.C. §103(a) is respectfully requested.

Claim 17 is rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,633,976 to Ogino in view of Miyamoto and Kudo. The rejection is respectfully traversed.

None of Ogino, Miyamoto or Kudo, whether considered alone or in combination, disclose or suggest each and every feature recited in claim 17. For example, the combination of references fails to disclose or suggest an electronic still camera, comprising...a sensitivity setting unit that sets a higher image-capturing sensitivity in said second continuous shooting mode than an image-capturing sensitivity in said first continuous shooting mode, as recited in claim 17.

It is admitted in the Office Action that neither Ogino or Miyamoto disclose the sensitivity setting unit as recited in rejected claim 17. To overcome the admitted deficiency, the Office Action combines Kudo and alleges that Kudo discloses increasing the image-capturing sensitivity as the image-capturing rate increases at 113-116 of Fig. 13 and col. 17, lines 40-50. Although Kudo discloses that the image-capturing sensitivity is higher when an

image is captured in succession in a continuous mode than in a single shot mode, Kudo fails to disclose that the image-capturing sensitivity is set at a higher image-capturing sensitivity in the second continuous mode than in the first continuous shooting mode. Rather, Kudo merely discloses increasing the sensitivity in a continuous mode rather than in a single shot mode. Therefore, even were Kudo combined with Miyamoto and Suzuki, the combination of references fails to disclose or suggest each and every feature recited in the rejected claims. Thus, withdrawal of rejection of claim 17 under 35 U.S.C. §103(a) is respectfully requested.

Claim 18 is rejected under 35 U.S.C. §103(a) as unpatentable over Ogino in view of Miyamoto and Mizoguchi. The rejection is respectfully traversed.

None of the applied references, whether considered alone or in combination, disclose or suggest each and every feature recited in claim 18. For example, the combination of references fails to disclose or suggest an electronic still camera comprising... an exposure value setting unit that sets shutter speed and aperture corresponding to subject brightness in conformance to a predetermined program chart, wherein said exposure value setting unit is provided with a first continuous shooting mode program chart and a second continuous shooting mode program chart, with said second continuous shooting mode program chart shifted toward a higher shutter speed side relative to said first continuous shooting mode program chart, as recited in claim 18.

It is admitted in the Office Action that neither Ogino or Miyamoto disclose or suggest the exposure value setting unit of claim 18. To overcome the admitted deficiency, the Office Action combines Mizoguchi and alleges that it would have been obvious to one of ordinary skill in the art to make the combination as proposed in the Office Action thereby rendering claim 18 obvious.

Even were Mizoguchi combined with Ogino and Miyamoto, the combination of references fails to disclose the feature because Mizoguchi fails to disclose or suggest the

features alleged in the Office Action. Although Mizoguchi discloses an exposure value that is set in conformance to a color standard-resolution photographing mode or a black and white high resolution photographing mode, Mizoguchi does not disclose that an exposure value is set in conformance to one of two continuous shooting modes, as recited in claim 18.

Furthermore, Mizoguchi does not disclose or suggest that exposure values in a second continuous shooting mode program chart are shifted toward a higher shutter speed side relative to the first continuous shooting mode program chart. Thus, setting an exposure value based on a color or black and white photographing mode does not correspond to the features recited in the rejected claims. Accordingly, withdrawal of the rejection of claim 18 under 35 U.S.C. §103(a) is respectfully requested.

Claim 19 is rejected under 35 U.S.C. §103(a) as unpatentable over Ogino in view of Miyamoto, Kudo and Mizoguchi. The rejection is respectfully traversed.

None of the combined references, whether considered alone or in combination, disclose or suggest each and every feature recited in rejected claim 19. For example, the combination of references fails to disclose an electronic still camera, comprising...an exposure value setting unit that sets shutter speed and aperture corresponding to subject brightness in conformance to a predetermined program chart, wherein said exposure value setting unit is provided with a first continuous shooting mode program chart and a second continuous shooting mode program chart, with said second continuous shooting mode program chart shifted toward a higher shutter speed side relative to said first continuous shooting mode program chart, as recited in claim 19.

As discussed above, none of Ogino, Miyamoto or Mizoguchi disclose or suggest an exposure value that is set in conformance to the first continuous shooting mode or the second continuous shooting mode and that exposure values in the second continuous shooting mode

program chart are shifted toward a higher shutter speed side relative to the first continuous shooting mode program chart. Therefore, even were Ogino, Miyamoto and Mizoguchi combined with Kudo, the combination of references still fails to disclose each and every feature recited in the rejected claims.

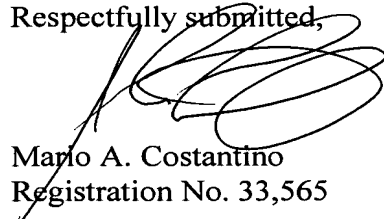
Furthermore, as Kudo fails to disclose the exposure value set in conformance to the first continuous shooting mode or the second continuous shooting mode as admitted in the Office Action, the combination of references fails to disclose or suggest each and every feature recited in rejected claim 19. Accordingly, withdrawal of the rejection of claim 19 under 35 U.S.C. §103(a) is respectfully requested.

**V. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Mario A. Costantino  
Registration No. 33,565

John W. Fitzpatrick  
Registration No. 41,018

MAC:JWF/lbg

Attachment:

Petition for Extension of Time

Date: July 11, 2005

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

|  |
|--|
| <p><b>DEPOSIT ACCOUNT USE</b><br/><b>AUTHORIZATION</b><br/>Please grant any extension<br/>necessary for entry;<br/>Charge any fee due to our<br/>Deposit Account No. 15-0461</p> |
|--|